

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshinari MORIMOTO

**ATTN:**      **Mail Stop 16**  
**Refund Section**  
**Accounting Div.**  
**Office of Finance**

Application No.: 10/625,778

Docket No.: 116571

Filed: July 24, 2003

For: INK JET PRINTER IN WHICH A BEST TEST PATTERN PRINTED ON A  
RECORDING MEDIUM IS AUTOMATICALLY SELECTED

**REQUEST FOR REFUND TO DEPOSIT ACCOUNT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the Request for Continued Examination ("RCE") fee of \$810 for the January 26, 2009 RCE be re-credited to Deposit Account No. 15-0461 because the RCE fee is not required.

As stated in MPEP §706.07(h)(XI)(B), right column of page 700-105, if a submission is filed with the RCE, but the fee is missing, the examiner should include a statement as to whether or not the submission has been entered. In general, such a submission should not be entered. If, however, the submission is an amendment that obviously places the application in condition for allowance, it should be entered with the approval of the supervisory patent examiner.

Furthermore, as stated in MPEP §1214.07, right column of page 1200-61, "If the amendment obviously places an application in condition for allowance, regardless of whether the amendment is filed with an RCE, the primary examiner should recommend that the amendment be entered" (emphasis added).

Applicant asserts that the January 26, 2009 Amendment obviously places the application in condition for allowance (and thus the RCE fee is not required) because first Office Action on the merits after filing the January 26, 2009 Amendment is a Notice of Allowance. The January 26, 2009 Amendment simply canceled all of the rejected claims and amended the allowable dependent claims into independent form.

Accordingly, it is respectfully requested that the RCE fees of \$810 be re-credited to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,



James A. Oliff  
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Scott M. Schulte  
Registration No. 44,325

JAO:SMS/ldg

Date: August 12, 2009

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<b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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